
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

KENNETH A. THOMAS,

Plaintiff,

*versus*SERGIO J. PEREZ, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-68

**ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**


Plaintiff Kenneth A. Thomas, a prisoner previously confined at the Gib Lewis Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Sergio J. Perez, Heather M. Glover, Bryan Collier, and Bobby Lumpkin.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying Defendants' Motions to Dismiss for Insufficient Service. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#24) is **ADOPTED**. Defendants' Motions to Dismiss (#12 and #17) are **DENIED**. The Clerk of Court shall re-issue summonses to Plaintiff so that he may serve the defendants in accordance with Federal Rule of Civil Procedure 4. Plaintiff shall have thirty days from the date of this order in which to provide the court with proof of service on the defendants.

SIGNED at Beaumont, Texas, this 23rd day of January, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE